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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION TWO

LAURIE MARIE LASKEY,

Plaintiff and Appellant,

v.

AT&T, INC.,

Defendant and Respondent.

A123796

(Sonoma County
Super. Ct. No. SCV-242062)

Laurie Marie Laskey filed in propria persona a complaint against AT&T, Inc. for personal injury and identity theft. She alleged that it had installed and maintained a system on her property that was not wired according to the basic phone service she ordered. AT&T, Inc. filed a motion to quash summons, which Laskey did not oppose. The trial court granted the motion to quash and dismissed the complaint against AT&T without prejudice. Laskey appeals and we affirm the lower court's judgment.

BACKGROUND

On December 28, 2007, Laskey filed a complaint against AT&T, Inc. alleging causes of action for general negligence, intentional tort, products liability, and premises liability. She also alleged claims of "computer crimes, identity theft, FCC violations, technical violations, code violations, split tunneling, non compliance with RFC's, trespassing, [and] tampering." She claimed the following: AT&T, Inc. "appears to have installed and maintained a system on the side of my personal property that was not wired

in accordance with the basic phone service ordered. Billed for service not able to receive.”

AT&T, Inc. filed a motion to quash service of summons on February 22, 2008, and Laskey did not file any opposition.¹ On November 14, 2008, the trial court filed its order granting AT&T’s motion to quash service of summons and dismissing the complaint against AT&T, Inc. without prejudice pursuant to Code of Civil Procedure section 581, subdivision (h).²

Laskey filed a timely notice of appeal.

DISCUSSION

The trial court granted AT&T, Inc.’s motion to quash and dismissed the complaint against AT&T, Inc. without prejudice pursuant to section 581, subdivision (h). Section 581, subdivision (h) provides: “The court may dismiss without prejudice the complaint in whole, or as to that defendant, when dismissal is made pursuant to Section 418.10.” (§ 581, subd. (h).) The portion of section 418.10 related to quashing service of summons reads as follows: “(a) A defendant, on or before the last day of his or her time to plead or within any further time that the court may for good cause allow, may serve and file a notice of motion for one or more of the following purposes: [¶] (1) To quash service of summons on the ground of lack of jurisdiction of the court over him or her.”

When a defendant moves to quash service of summons on the basis of no jurisdiction, the plaintiff opposing the motion has the initial burden to demonstrate facts establishing a basis for personal jurisdiction. (*Snowney v. Harrah’s Entertainment, Inc.* (2005) 35 Cal.4th 1054.) If the plaintiff satisfies that burden, the burden shifts to the defendant to show that the exercise of jurisdiction would be unreasonable. (*Ibid.*) If there is no conflict in the evidence, the question whether a defendant’s contacts with California are sufficient to justify the exercise of personal jurisdiction in this state is a question of law that we review de novo. (*Ibid.*) If there is a conflict in the evidence

¹ The record does not include the motion to quash service of summons filed by AT&T, Inc. in the lower court.

² All further unspecified code sections refer to the Code of Civil Procedure.

underlying that determination, we review the trial court's express or implied factual findings under the substantial evidence standard. (*Vons Companies, Inc. v. Seabest Foods, Inc.* (1996) 14 Cal.4th 434, 449.)

An appealed judgment is always presumed correct and the appellant has the burden of overcoming this presumption by affirmatively showing error on an adequate record. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1140-1141.) When the appellant fails to supply an appellate record sufficient for meaningful review, "the appellant defaults and the decision of the trial court should be affirmed." (*Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043, 1051, fn. 9; accord, *Maria P. v. Riles* (1987) 43 Cal.3d 1281, 1295-1296; *Gee v. American Realty & Construction, Inc.* (2002) 99 Cal.App.4th 1412, 1416.)

In the present case, when designating the record for appeal, Laskey did not include AT&T, Inc.'s motion to quash. Thus, the record before us contains only Laskey's complaint and the lower court's order granting AT&T, Inc.'s motion to quash.³ Not only is the record so deficient that it prevents any meaningful review, Laskey submits no argument to support a finding of jurisdiction. In the lower court, Laskey did not oppose the motion to quash. In her briefs in this court, Laskey has filed the same briefs she has filed in six other cases in this court. None of the other cases concerned the issue here, personal jurisdiction over the defendant. Thus, Laskey's briefs on appeal do not set forth any argument regarding jurisdiction. " 'This court is not required to discuss or consider points which are not argued or which are not supported by citation to authorities or the record.' " (*Kim v. Sumitomo Bank* (1993) 17 Cal.App.4th 974, 979.)

Laskey has not met her burden as appellant to demonstrate error; thus, the presumption of correctness remains and the challenged order must be upheld. (*Ballard v.*

³ We note that, not only is the record inadequate, but Laskey's brief does not comply with the California Rules of Court. Her brief violates the California Rules of Court, rule 8.204(a)(1) by not containing a statement of appealability, omitting a table of contents, failing to provide citations to the record, not including a statement of the action's procedural history, and not containing a summary of significant facts limited to matters in the record.

Uribe (1986) 41 Cal.3d 564, 574-575; *Pringle v. La Chapelle* (1999) 73 Cal.App.4th 1000, 1003; *Hernandez v. California Hospital Medical Center* (2000) 78 Cal.App.4th 498, 502.)

DISPOSITION

The judgment is affirmed. AT&T, Inc. is awarded costs.

Lambden, J.

We concur:

Kline, P.J.

Richman, J.